

REMARKS

Claims 1-16 are pending in the present application. Claims 3 and 8 have been amended to correct typographical errors.

Entry of the above amendments is respectfully requested.

I. CLAIM OBJECTION

The Examiner objects to an apparent typographical error in Claim 8. Claim 8 has been amended to change "filed" to "field". Accordingly, withdrawal of the objection is respectfully requested.

II. RESPONSE TO REJECTION UNDER 35 U.S.C. § 112

Claim 3 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. According to the examiner, the language "the plurality of solutions L3" lacks antecedent basis. Claim 3 has been amended for purposes of further clarity. Accordingly, withdrawal of the rejection is respectfully requested.

III. RESPONSE TO REJECTION UNDER 35 U.S.C. § 103

Claims 1-14 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over each of U.S. Patent No. 7,066,978 ("Waki"), U.S. Patent No. 6,994,895 ("Hattori '895") or U.S. Patent Application Publication No. 2004/0033357 ("Hattori '357") each taken in view of U.S. Patent No. 6,221,332 ("Thumm").

Applicants respectfully traverse the rejection.

Without conceding the merits of the rejection, it is respectfully requested that Waki be withdrawn as a reference.

Waki is effective as a §102(e) reference as of its February 19, 2003 filing date and the application of Waki is a reference under 35 U.S.C. § 102(a) as of its publication date of January 22, 2004.

Hattori '895 is effective as a §102(e) reference as of its July 1, 2003 filing date and the application of Hattori '895 is a reference under 35 U.S.C. § 102(a) as of its publication date of January 8, 2004.

Hattori '357 is effective as a §102(e) reference as of its May 30, 2003 filing date and a §102(a) reference as of its publication date of February 19, 2004.

Applicants submit that Waki, Hattori '895, Hattori '357, and the present invention were commonly owned at the time the present invention was made. Accordingly, Applicants respectfully submit that Waki and Hattori '895 are disqualified as prior art under 35 U.S.C. § 102(e) via 35 U.S.C. § 103(c).

In addition, Applicants submit herewith a sworn English translation of the priority documents JP 2003-059044 and 2003-062084 supporting the elements of claims 1-14 to remove the published application of Waki, the published application of Hattori '895, and Hattori '357 as a §102(a) reference.

Claims 1-14 of the present application are supported, for example, on pages 3-5 of the translation of JP 2003-059044 and pages 3-5 of the translation of 2003-062084.

In view of the above, it is respectfully submitted that the references are not prior art under 35 U.S.C. § 102 and withdrawal of the rejection is respectfully requested.

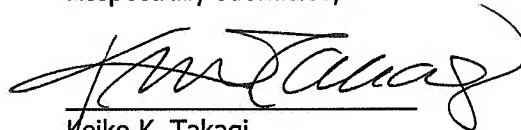
IV. CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-16 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

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